



Board of Zoning Appeals

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

[Http://planning.city.cleveland.oh.us/bza/cpc.html](http://planning.city.cleveland.oh.us/bza/cpc.html)

216.664.2580

JULY 22, 2019

9:30

Calendar No. 19-143: 701 East 162 Street

Ward 8

Michael Polensek

Eden Inc., owner, proposes to erect a 21' x 29' two story frame two family residence without parking spaces in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.14 which states that no parking space shall be located within 10 feet of wall containing ground floor windows.
2. Section 337.23(a) which states that all accessory parking spaces shall be located on rear half of lot.
3. Section 349.04 which states that two required parking spaces; proposing zero.
4. Section 355.04(b) which states that the minimum required lot width is 50' and the appellant is proposing 40'. This section also states that the minimum required lot area is 6,000 square feet and the appellant is proposing 5,520 square feet.
5. Section 357.06(a) which states that the required front yard setback is 33' and the appellant is proposing 26'.
6. Section 357.09(b)(2)(B) which states the required interior side yard 6.2'; proposing 5'.
7. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed June 19, 2019)

9:30

Calendar No. 19-144: 1807 West 54 Street

Ward 15

Matt Zone

Vanbaker Properties LLC., owner, proposes to construct a second floor addition and a detached garage on a 4120 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(a) which states that an accessory building shall be located a minimum of 18" from all property lines.
2. Section 357.09 which states that no interior side yard shall be less than three feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than six feet. (Filed June 19, 2019)

9:30

Calendar No. 19-145: 2214 W. 20 Street

Ward 3

Kerry McCormack

Jason Petroff & Michael Rigol, owners, propose to install a 26" x26" air conditioning unit in the interior side yard of a residence located in a B1 Two-Family Residential District contrary to section 357.09(b)(2)(B) of the Cleveland Codified Ordinances which states that an air conditioning unit is not a permitted interior side yard encroachment. (Filed June 20, 2019)

9:30

Calendar No. 19-148: 15909 Damon Ave. Ward 8
/Department of Public Works Michael Polensek
Invoice

William Siford, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer on August 24, 2018 (letter dated May 10, 2019) to uphold the City of Cleveland's Department of Parks, Recreation, and Properties decision to issue invoice # WO-7010-537656 regarding abating nuisances at the subject property. (Filed June 21, 2019).

Calendar No. 19-150: 1258 W. 65 St. Ward 15
Matt Zone

Barabara Kightlinger, owner, proposes to erect a 3 story frame single family residence with an attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of the lot area which is in this case 1,216 square feet and the owner is proposing 2,923 square feet. This section also states that the required minimum lot width is 40 feet and the owner is proposing 32 feet; the minimum required lot area is 4800 square feet and the owner is proposing 2,432 square feet.
2. Section 357.08(b)(1) which states that the required rear yard is 33.7 feet where the owner is proposing 21 feet.
3. Section 357.09(b)(2)(B) which states that the required interior side yard is 8.4 feet and the owner is proposing 5 feet for the dwelling and 1 foot for the stairs.
4. Section 341.02(b) which states that City Planning Approval is required prior to issuance of a building permit. (Filed June 21, 2019)

Calendar No. 19-151: 1260 W. 65 St. Ward 15
Matt Zone

Barabar Kightlinger, owner, proposes to erect a 4 story frame single family residence with an attached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of the lot area which is in this case 1,934 square feet and the owner is proposing 2,629 square feet. This section also states that the required minimum lot width is 40 feet and the owner is proposing 13 feet; the minimum required lot area is 4800 square feet and the owner is proposing 3,868 square feet.
2. Section 357.08(b)(1) which states that the required rear yard is 34 feet and 10 inches where the owner is proposing 21 feet.
3. Section 357.09(b)(2)(B) which states that the required interior side yard is 8.5 feet and the owner is proposing 5 feet for the dwelling.
4. Section 341.02(b) which states that City Planning Approval is required prior to issuance of a building permit. (Filed June 21, 2019)

Calendar No. 19-153: 12602 Larchmere Blvd.

**Ward 6
Blaine A. Griffin**

Heide Rivchun, owner, and Bernardino Tovanche propose to establish use as a tattoo shop in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application from the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that tattoo shop is not permitted in a Local Retail Business District (first permitted in General Retail Business)
2. Section 347.12(b)(1) which states that Tattooing and Body Piercing use must be at least 1,000 feet from a Residence District: proposed use is abutting a Residence District.
3. Section 343.23(e)(2) which states that in a Pedestrian Retail Overlay District, review and approval of the City Planning Commission is required for the location of a driveway over a public sidewalk, the off street parking area along Larchmere and for an interior side yard greater than 4 feet. (Filed June 25, 2019)

9:30

Calendar No. 19-111: 2175 Columbus Rd.

**Ward 3
Kerry McCormack**

Robert Kennedy, owner, proposes to establish use as a fitness center in a G2 Limited Retail Business District and an Urban Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.04(d)(4)(A) which states that a required parking area equal to 2,175 square feet is required and 500 feet are provided.
2. Section 358.04(d)(1)(A) which states that the maximum front yard setback is 8 feet and 20 feet are proposed.
3. 358.04(d)(3)(A) which states that glazing is required on 75% of the frontage of building and no glazing is shown.
4. Section 343.18(d) which states that the maximum width of a driveway is 30 feet and a 44 foot driveway is proposed.
5. Section 343.18 (c) which states that driveways in retail districts must be at least 15 feet from side property lines. (Filed May 22, 2019)

POSTPONED FROM APRIL 22, 2019

9:30

**Calendar No. 19-052: 6809 Wade Park Ave.
/Department of Public Works
Invoice**

**Ward 7
Basheer S. Jones**

Thomas J. & Marianne Wright, owners, appeal under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the hearing officer, on March 13, 2019, to uphold Department of Public Works invoice WO-7010-493250. The invoice was issued in accordance with chapter 209 of the Cleveland Codified Ordinance which authorizes the Department of Parks and Recreation and Properties to abate nuisances on any property and bill the owner of the abated property at a rate of seven cents per square foot (Filed March 26, 2019-Testimony Taken). *FIRST*

POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH PUBLIC WORKS.

REINSTATED FROM JUNE 10, 2019

9:30

Calendar No. 19-104:

**701 EAST 127 STREET/ Waste
Collection Ticket**

Ward 6

Blaine A. Griffin

Greeners Inc., appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the hearing examiner in Parking Violations Bureau on May 1, 2019 concerning the City of Cleveland Waste Collection issuance of Civil Infraction Ticket Number WC40082273 issued January 15, 2019 regarding failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances (Filed May 13, 2019-No Testimony) *APPELLANT STATED THAT HE DID NOT RECEIVE NOTICE.*

POSTPONED FROM JUNE 17, 2019

9:30

Calendar No. 19-108:

2048 Fulton Road

Ward 3

Kerry McCormack

Paul Gallo, LLC., owner, proposes to change use of an existing warehouse/office building to 53 residential apartment units in a B1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that in a 'B' Area District the maximum gross floor area of a residential use is limited to one-half the lot area, in this case 27,050 square feet, and 67,960 square feet are proposed. This section also states that a lot size containing 2,400 square feet for each dwelling unit is required, in this case 127,000 square feet, and 54,101 square feet are proposed.
2. Section 357.01 which states that interior side yards and rear yard are required for residence buildings. Per Section 357.08(b)(2) which states that a rear yard equal to ½ the height of the building is required and no rear yard is proposed. Per Section 357.09(b)(2)(C) which states that interior side yards equal to ¼ the height of the building are required and side yards varying from one to five feet are provided. (Filed May 15, 2019-No Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE APPELLANT TO ALLOW FOR TIME TO MEET WITH THE COMMUNITY.*

POSTPONED FROM JUNE 17, 2019

9:30

Calendar No. 19-127:

16601 Euclid Avenue

Ward 10

Anthony Hairston

3. Ahmad Sliman, owner, proposes to erect a 22.5 feet tall, 60 square foot illuminated, double faced, freestanding sign, for a service station in a D2 Local Retail Business District. The owner appeals for relief from the strict application of Section 350.14(b) which states that a freestanding sign in a Local Retail Business District cannot exceed 12 feet in height. (Filed May 31, 2019-Testimony Taken) *FIRST POSTPONEMENT MADE AT THE REQUEST OF THE CITY PLANNING COMMISSION TO ALLOW FOR TIME FOR THE APPELLANT TO MEET WITH CITY PLANNING.*